



CITY OF HAYWARD MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

Project title: KB Fagundes Residential; Application Number 201502586, located at 81 Fagundes Court.

Description of project: The project proposes a subdivision of approximately 3.07 acres in order to develop 42 single-family homes and a private street that connect to both Austin Avenue and Fagundes Street. In addition, a central area of the development would be utilized as a recreation area.

Project review involves consideration of a tentative map and rezoning.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project, with the mitigation measures identified in the attached initial study checklist, will not have a significant effect on the environment.

III. FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources. A lighting plan will be required to ensure that light and glare do not affect area views. Also, compliance with the City's Design Guidelines will ensure visual impacts are minimized.
3. The project will not have an adverse effect on agricultural land since the subject site is not used for such purposes, does not contain prime, unique or Statewide important farmland.
4. The project will not result in significant impacts related to changes in air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.
5. The project, proposed on properties surrounded by other residential development and within an urbanized area, will not result in significant impacts to biological resources. Any trees removed are required to be replaced as per the City's Tree Preservation ordinance.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.

7. The project will not result in significant impacts to geology and soils. The project is located west of the Hayward fault, which poses potential risk to any development in the city of Hayward. Recommendations of the project geotechnical engineer are incorporated into project design and will be implemented throughout construction, to address such items as seismic shaking. Construction will also be required to comply with the California Building Code standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will be required to meet all water quality standards as part of the normal development review and construction process, to be addressed in a Stormwater Pollution Prevention Plan and Erosion Control Plan that utilize best management practices. Drainage improvements will be required to accommodate stormwater runoff, so as not to negatively impact the existing downstream drainage system of the Alameda County Flood Control and Water Conservation District.
10. The project is consistent with the overall density supported by the Hayward General Plan. In addition, the project will be required to be consistent with the City of Hayward's Design Guidelines.
11. The project will not result in any long-term noise impacts. Construction noise will be mitigated through restriction on construction hours, mufflers, etc., to be approved as part of the future building permits for the homes.
12. The project will not result in significant impacts related to population and housing in that the amount of development proposed is within the range of development analyzed in the Hayward General Plan.
13. The project will not result in a significant impact to public services in that development is at least as intensive as that proposed was analyzed in the Hayward General Plan EIR and found to have less-than-significant impacts.
14. The project will not result in significant impacts to traffic since it would not generate sufficient traffic to cause nearby intersections to operate at an unacceptable level of service.

IV. PERSON WHO PREPARED INITIAL STUDY:

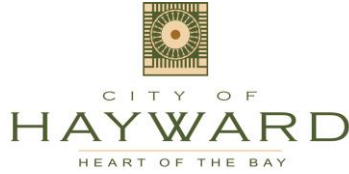


Michael Christensen, Assistant Planner

Dated: October 14th, 2015

V. COPY OF ENVIRONMENTAL CHECKLIST IS ATTACHED

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4200



**DEPARTMENT OF DEVELOPMENT SERVICES
Planning Division**

INITIAL STUDY CHECKLIST

Project Title: KB Home Fagundes Residential

Lead agency name/address: City of Hayward / 777 B Street, Hayward CA 94541

Contact person: Michael Christensen, Assistant Planner

Project location: 81 Fagundes; Assessor's Parcel Numbers: 443-0080-027-01 &
443-0080-027-02 443-0085-009-03

Project sponsors

Name and Address: KB Home Bay Area, 5000 Executive Pkwy #125, San Ramon, CA 94583

Existing General Plan Designation: Medium Density Residential (MDR)

Existing Zoning: RM (Medium Density Residential) & RS (Single-Family Residential)

Project description: The project proposes a subdivision of approximately 3.07 acres in order to develop 42 single-family homes and a private street that connect to both Austin Avenue and Fagundes Street. In addition, a central area of the development would be utilized as a recreation area.

Approval of the project would require a change to the zoning designation for the site, from *Medium Density Residential* (RM) and *Single-Family Residential* (RS) to *Planned Development* (PD).

Surrounding land uses and setting: The project site is comprised of three parcels, containing a single-family home and multiple accessory structures formerly utilized for agricultural purposes. The project site is bordered to the west by single-family homes, to the north by an industrial building, to the south by a multi-family residential development, and to the east by railroad tracks. The general area is in the western portion of the City and is completely surrounded by incorporated Hayward.

Other public agencies whose approval is required: None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Michael Christensen, Assistant Planner

10/14/2015

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? <u>Comment</u> <i>There are no designated scenic vistas in the vicinity of the project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <u>Comment</u> <i>The project is not located within a state scenic highway; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <u>Comment</u> <i>The existing site is developed with one single-family home. The proposed single family homes will add to the visual character of the site; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? <u>Comment</u> <i>The new residential units will add some additional light to this area, but the amount is considered less than significant given the surrounding developed area; no mitigation is required.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST

RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? **Comment** *The project does not involve any Prime Farmland, Unique Farmland or Farmland of Statewide Importance; thus, no impact.*

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b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? **Comment** *The project site is not zoned for agricultural uses or under a Williamson Act contract; thus, no impact.*

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? Comment <i>The project does not involve the rezoning of forest land or timberland; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? Comment <i>The project does not involve the loss of forest land or involve conversion of forest land; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? Comment <i>The project does not involve changes to the environment that could result in conversion of Farmland or forest land; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? Comment <i>The project is a residential in-fill project located on a site that is bordered to the north, south, and west by other residential uses, and the proposed density is consistent with the General Plan. The site is located 0.2 miles from a public transit bus line along Cypress Avenue and will not conflict with the goals of the air quality plan; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Comment <i>The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of their CEQA guidance to assist in determining if a</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>proposed project could result in potentially significant air quality impacts. Based on the District's criteria, the proposed project of forty-two (42) new homes screens below what would require additional evaluation; thus the proposed project and impacts caused by construction activities will not violate any air quality standard and the impact is less than significant.</i></p> <p>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? Comment <i>The proposed project meets the screening criteria in Table 3-1 of the Air District's CEQA Guidelines; thus, it can be determined that the project would result in a less-than-significant cumulative impact to air quality from criteria air pollutants and precursor emissions.</i></p> <p>d) Expose sensitive receptors to substantial pollutant concentrations? Comment <i>The project is an in-fill development located in an already developed area that will not involve exposing sensitive receptors to substantial pollutant concentrations; thus the impact is less than significant.</i></p> <p>e) Create objectionable odors affecting a substantial number of people? Comment <i>The project is an in-fill residential development that will not create any objectionable odors; thus no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. BIOLOGICAL RESOURCES --

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Comment *The General Plan EIR notes that the City's urban area (which encompasses the project area), is composed of common upland habitat which does not provide suitable habitat conditions for special-status*

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>animal species. The General Plan EIR also notes that special-status plant species are found along the bay front and within the Hayward hills area, neither of which includes the project area. Geotechnical, soils, and habitat studies concluded that no wetland or other potentially significant wildlife areas are present on the site. <i>Thus, no potential impact is found.</i></p>				
<p>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</p> <p>Comment <i>The project area is fully developed and does not contain any riparian habitat or known sensitive natural communities; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Comment <i>The project site, located in an urban setting, contains no wetlands; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Comment <i>The project site is partially developed, located in an urban setting, and will not interfere with the movement of any migratory fish or wildlife species; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Comment <i>The project includes the removal of 26 trees, the preservation of 5 high integrity redwood trees, and the relocation of 1 heritage tree. As part of the project, an additional 35 trees will be added to the site.</i></p> <p>Mitigation Measure 1: <i>The applicant shall follow all recommendations in the tree evaluation report, prepared by Hort Science and dated May 2015, including protection of all trees to be preserved during all phases of the development and replacement of all</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>removed trees based on the value of the removed trees.</i>				
Design Recommendations				
1. <i>The horizontal and vertical elevation of each tree to be preserved shall be accurately located by an engineer survey.</i>				
2. <i>Tree Protection Zone (TPZ) shall be established around each tree. No grading, excavation, construction or storage of materials shall occur within that zone. No underground services including utilities, sub-drains, water or sewer shall be places in the TPZ. Spoil from trench, footing, utility or other excavation shall not be placed within the TPZ, neither temporarily nor permanently. For design purposes, the TPZ shall be the existing curb or drip line of the tree.</i>				
3. <i>Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.</i>				
4. <i>Irrigation systems must be designed so that no trenching that serves roots larger than 1" diameter will occur within the TPZ.</i>				
5. <i>Hydrated lime to stabilize plastic soils shall not be incorporated into soil within the TPZ. Lime is toxic to plant roots. Subsoil stabilization treatments must be discussed with the Project Arborist and designed to protect tree roots.</i>				
6. <i>As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees should be designed to withstand displacement.</i>				
Pre-Construction Treatments and Recommendations				
1. <i>The construction superintendent shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.</i>				
2. <i>Fence all trees to be retained to completely enclose the TPZ prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by the City. Fences are to remain until all grading and construction is completed. Where demolition must occur close to trees, such as removing curb and pavement, install trunk protection devices such as winding silt sock wattling around trunks or stacking hay bales around tree trunks.</i>				
3. <i>Any pruning required to provide clearance for construction shall be done by a State of California Licensed Tree Worker in accordance with the Best Management Practices for Pruning (international Society of Arboriculture, 2002) and adhere to the most recent editions of the American Nation</i>				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>Standard for Tree Care Operations (Z133.1) and Pruning (A300). The Consulting Arborist will provide pruning specifications prior to site demolition.</i></p> <p>4. <i>Tree(s) to be removed that have branches extending into the canopy of tree(s) to remain shall be removed by a Certified Arborist or Certified Tree Worker and not by the demolition contractor. The Certified Arborist or Certified Tree Worker shall remove the trees in a manner that causes no damage to the tree(s) and understory to remain.</i></p>				
<p>Recommendations for Tree Protection During Construction</p>				
1. <i>Any approved grading, construction, demolition or other work within the TPZ should be monitored by the Consulting Arborist.</i>				
2. <i>All contractors shall conduct operations in a manner that will prevent damage to trees to be preserved.</i>				
3. <i>Tree protection devices are to remain until all site work has been completed within the work area. Fences or other protection devices may not be relocated or removed without permission of the Consulting Arborist.</i>				
4. <i>Construction trailers, traffic and storage areas must remain outside TPZ at all times.</i>				
5. <i>Any root pruning required for construction purposes shall receive the prior approval of and be supervised by the Project Arborist.</i>				
6. <i>If roots 2" and greater in diameter are encountered and during site work must be cut to complete the construction, the Project Arborist must be consulted to evaluate effects on the health and stability of the tree and recommend treatment.</i>				
7. <i>All grading within the drip line of trees shall be done using the smallest equipment possible. The equipment shall operate perpendicular to the tree and operate from outside the TPZ. Any modifications must be approved and monitored by the Consulting Arborist.</i>				
8. <i>If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.</i>				
9. <i>No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TPZ.</i>				
10. <i>Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.</i>				

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? Comment

The project site is not located in an area covered by an adopted Habitat Conservation Plan or Natural Community Conservation Plan; thus, no impact.

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V. CULTURAL RESOURCES --

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? Comment:

There are no historical resources associated with the improvements on the site or the affected parcels. Moreover, the project site is currently developed with structures. Due to the prior disturbance, there is a very low likelihood of impacting archeological or paleontological resources or disturbing human remains. In addition, the surrounding properties, which are fully developed, have no historical significance. Should any disturbance occur below previously developed areas, a remote possibility exists that historical or cultural resources may be discovered. If that should occur, standard measures should be taken to stop all work adjacent to the find and contact the City of Hayward Development Services Department for ways to preserve and record the uncovered materials. If standard procedures are followed in the event cultural/historical resources are uncovered at the project site, the proposed impact is less than significant.

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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? Comment

No known archaeological resources exist on the site. Due to prior disturbance, there is a very low likelihood of impacting archeological resources. Should any disturbance occur below develop areas, a remote possibility exists that historical or cultural resources might be discovered. If that should occur, standard measures should be taken to stop all work adjacent to the find and contact the City of Hayward Development Services Department for ways to preserve and record the uncovered materials. If standard procedures are followed in the event cultural/historical resources are uncovered at the project site, the proposed impact is less than significant.

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c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Comment

No known paleontological resources exist on the site, which has already been fully developed. Due to extensive prior disturbance, there is a very low likelihood of impacting

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paleontological resources. There are no unique geological features on or near the site; thus, no impact.

d) Disturb any human remains, including those interred outside of formal

cemeteries? **Comment:** There are no known human remains nor cemeteries nearby the project site; however, standard procedures for grading operations would be followed during development, which require that if any such remains or resources are discovered, grading operations are halted and the resources/remains are evaluated by a qualified professional and, if necessary, mitigation plans are formulated and implemented. These standard measures would be conditions of approval should the project be approved. Therefore, no impact is found.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication

42. **Comment:** The project site is not within the State's Earthquake Fault Zone. Therefore, impacts related to fault rupture are not anticipated; thus no impact.

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ii) Strong seismic ground shaking?

Comment: An earthquake of moderate to high magnitude could cause considerable ground shaking at the site; however, all structures will be designed using sound engineering judgment and adhere to the latest California Building Code (CBC) requirements, thus the impact is considered less than significant.

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iii) Seismic-related ground failure, including liquefaction? **Comment:** Based on the recommendations of the geotechnical report, prepared by Stevens, Ferrone & Bailey and dated April 30, 2015, which are integrated into project design and description, the risk to life or property from seismic related ground failure is minimal; thus the impact is considered less than significant.

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iv) Landslides? **Comment:** Due to the relatively flat site topography, landslides are not likely; thus no impact.

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b) Result in substantial soil erosion or the loss of topsoil? **Comment:** Although the project would result in an increase in impervious surface, the project site is relatively flat and erosion control measures that are typically required for such projects, including but not limited to, gravelling construction entrances and protecting drain inlets will address such impacts. Therefore, the potential for substantial erosion or loss of topsoil is considered insignificant.

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c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? **Comment:** The site is relatively flat and such impacts are not anticipated; thus no impact.

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d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? **Comment:** Based on the recommendations of the geotechnical report integrated into project design and description, the risk to life or property from expansive soil is minimal; thus the impact is considered less than significant.

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e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? **Comment:** The project will be connected to an existing sewer system with sufficient capacity and does not involve septic tanks or other alternative wastewater; thus, no impact.

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VII. GREENHOUSE GAS

EMISSIONS -- Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? **Comment:** The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of their CEQA guidance to assist in determining if a proposed project could result in operational-related impacts to Greenhouse Gases. The project involves the construction of forty-two (42) new detached single family homes. Single-family home projects with less than 56 dwelling units have been identified by the BAAQMD Air Quality Guidelines as having emissions

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less than 1,100 metric tons of CO₂e per year which is below the threshold recommended by the Air District for evaluation of greenhouse gas emissions for new land use projects; thus no impact.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? **Comment:** As discussed in VII(a) above, the project will not exceed the threshold for operational greenhouse gases.

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VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? **Comment:** The project is an in-fill residential project that does not involve the transport or use of hazardous materials; thus, no impact.

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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? **Comment:** The project is an in-fill residential project that does not involve the transport or use of hazardous materials; thus, no impact.

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c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? **Comment:** The project is an in-fill residential project that does not involve the transport or use of hazardous materials; thus, no impact.

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d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? **Comment:** The project is an in-fill residential project that does not involve the transport or use of hazardous materials; thus, no impact.

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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? **Comment:** *The site is not within an airport land use plan area or within two miles of a public airport; thus, no impact.*

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f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? **Comment:** *The site is not located within the vicinity of a private airstrip and therefore, no such impacts would occur as a result of the project.*

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g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? **Comment:** *The project would not interfere with an adopted emergency response plan or emergency evacuation plan; thus, no impact.*

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h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? **Comment:** *The project site is located within a suburban setting, away from areas with wildland fire potential. Therefore, no such impacts related to wildland fires are anticipated.*

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IX. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements? **Comment:** *The project will comply with all water quality and wastewater discharge requirements of the city; thus, no impact.*

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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing

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land uses or planned uses for which permits have been granted)? **Comment** *The project will be connected to the existing water supply and will not involve the use of water wells and will not deplete groundwater supplies or interfere with groundwater recharge; thus, no impact.*

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? **Comment** *The project site is an infill site. All drainage from the site is required to be treated before it enters the storm drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates; thus, no impact.*

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d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? **Comment** *The project site is an infill site. All drainage from the site is required to be treated before it enters the storm drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates; thus, no impact.*

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e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? **Comment** *The project site is an infill site. While there will be some increases in water runoff, all drainage from the site is required to be treated before it enters the storm drain system and there is sufficient capacity to handle any drainage from the property; thus, the impact is considered less than significant.*

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f) Otherwise substantially degrade water quality? **Comment** *The project site is an infill development site. All drainage from the site is required to be treated before it enters the storm drain system; thus, no impact.*

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g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? **Comment** *The project site is not located within a 100-year flood hazard area; thus,*

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no impact.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? **Comment** The project site is not located within a 100-year flood hazard area; thus, no impact.

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i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? **Comment** The project site is not located within a 100-year flood hazard area; thus, no impact.

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j) Inundation by seiche, tsunami, or mudflow? **Comment** The project site is not located within a 100-year flood hazard area and is located approximately 2 miles inland from the San Francisco Bay shoreline; thus, no impact.

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X. LAND USE AND PLANNING --

Would the project:

a) Physically divide an established community? **Comment:** The development is proposed in a developed suburban setting and would not divide an established community; thus, no impact.

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b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? **Comment** The project involves construction of 42 new single-family homes and is consistent with the designated General Plan land use density. The project does include a request to modify the zoning designation; however, the Planned Development designation is to allow for flexibility in the development standards, not to accommodate additional density not anticipated by the General Plan; thus, no impact.

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c) Conflict with any applicable habitat conservation plan or natural community conservation plan? **Comment** The project site is not covered by any habitat conservation plan or natural community conservation plan; thus, no impact.

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XI. MINERAL RESOURCES --

Would the project:

a) Result in the loss of availability of a

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known mineral resource that would be of value to the region and the residents of the state? **Comment** *There are no known mineral resources on the project site; thus, no impact.*

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? **Comment** *There are no known mineral resources on the project site; thus, no impact.*

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XII. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? **Comment:** *The project is a residential development and will not involve an increase in the ambient noise levels above standards established in the General Plan. A noise study was prepared by Veneklasen Associates on May 18th, 2015, which determined noise levels of the homes will be in compliance, with reduction strategies near the railroad integrated into project design. Such strategies include the provision of alternative ventilation systems on units near the railroad to allow owners of those units to keep windows closed during evening hours.*

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b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? **Comment:** *No significant vibration impacts are anticipated for the project site; thus, no impact.*

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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? **Comment** *The project is a residential development and will not involve an increase in the ambient noise levels in the area; thus, no impact.*

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d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? **Comment** *Existing residential development will experience a slight increase in ambient noise levels during the construction of the proposed project. However, construction is limited to the allowable hours per the City's Noise Ordinance; thus the impact is considered less-than-significant and no additional mitigation is*

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required.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? **Comment:** *The*

project is not located in an airport land use plan area or within two miles of a public airport or public use airport; thus no impact.

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f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? Comment

The project is not located within the vicinity of a private air strip; thus, no impact

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XIII. POPULATION AND HOUSING

-- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Comment

The project involves the construction of 42 new residential units; however, the residential development is consistent with the density established by the City's General Plan; thus, no impact.

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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Comment:

The project involves the demolition of one single-family home in order to construct forty-two (42) new single family homes. However, the residential development is consistent with the land use density established by the City's General Plan; thus, no impact.

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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? Comment:

The project involves the demolition of one single-family home in order to construct forty-two (42) new single family homes. However, because of the large lot sizes, the majority of the project site is vacant. The project will greatly increase the number of units on the site, and the impact is considered less than significant.

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XIV. PUBLIC SERVICES --

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the

public services:

Fire protection? **Comment:** No such facilities are required and therefore, no such impacts are expected to occur.

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Police protection? **Comment:** No such facilities are required and therefore, no such impacts are expected to occur.

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Schools? **Comment:** The developer will be required to pay school impact mitigation fees, which, per State law, is considered full mitigation. No further mitigation is required.

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Parks? **Comment:** The project proponent would be required to pay park dedication in-lieu fees. Such measures would reduce such impacts to levels of insignificance

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Other public facilities? **Comment**
Approval of the project may impact long-term maintenance of roads, streetlights and other public facilities; however, the project does not exceed density envisioned by the General Plan thus the impact is considered less than significant. The project will be required to join a Community Facilities District, such that it will not have any impact on the city's ability to finance public improvements in other areas of the city.

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XV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

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Comment Each new single family home will have private open space and access to common open space located within the project site and the larger, overall development. In addition, the developer will be required to pay applicable park in-lieu fees; thus the impact is considered less-than-significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Comment Each new single family home will have private open space and access to common open space located on the project site and within the larger, overall development. In addition, the developer will be required to pay applicable park in-lieu fees; thus the impact is considered less-than-significant.

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XVI. TRANSPORTATION/TRAFFIC

-- Would the project:

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a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? **Comment:** *A traffic memo, dated September 21st, 2015 and prepared by Hexagon Consultants, found that the project would not impact immediately adjacent intersections and transit systems. In addition, the project is consistent with the General Plan land use designation for the site; thus, no impact.*

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways **Comment:** *No intersection level of service will be impacted by the construction of the additional residential units on an existing in-fill lot; thus, no impact.*

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? **Comment** *The project involves no change to air traffic patterns; thus, no impact.*

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? **Comment** *The project has been designed to meet all City requirements, including site distance and will not increase any hazards; thus, no impact.*

e) Result in inadequate emergency access? **Comment** *The project is proposed on an in-fill site completely accessible and will not result in inadequate emergency access; thus, no impact.*

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or

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otherwise decrease the performance or safety of such facilities? **Comment** *The project does not involve any conflicts or changes to policies, plans or programs related to public transit, bicycle or pedestrian facilities; thus, no impact.*

XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? **Comment**

The project will not exceed wastewater treatment requirements; thus, no impact.

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b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Comment *There is sufficient capacity to accommodate the proposed project; thus, no impact.*

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c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Comment *There is sufficient capacity to accommodate the proposed project; thus, the impact is considered less than significant.*

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d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? **Comment**

There is sufficient capacity to accommodate the proposed project; thus, no impact.

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e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Comment *There is sufficient capacity to accommodate the proposed project; thus, no impact.*

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f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Comment *There is sufficient capacity to accommodate the proposed project; thus, no impact.*

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g) Comply with federal, state, and local statutes and regulations related to solid waste? **Comment** *There is sufficient capacity to accommodate the proposed project; thus, no impact.*

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Comment: *While the project does entail removal and replacement of some trees, the impact is fully mitigated in design through the addition of new trees to the site. Even without such mitigation, the removal of these trees is not sufficient to be considered a substantial impact as the number of trees impacted is low and many are not considered high quality. In addition, the site has been developed and utilized for housing and agricultural purposes for decades. The potential for impact to wildlife and animals is minimal, and not example of a major period of California history is present on the site. Thus, the impact is less than significant.*

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b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? **Comment:** *The proposed 42-lot development is consistent with the land use density of development identified in the City's General Plan; therefore, no such impacts are anticipated.*

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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? **Comment:** *The project has no identifiable potential for substantial adverse impacts to human beings. The loss of existing trees on the site may cause temporary impacts to aesthetics of*

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the site; however, the impact is fully mitigated and is considered less than significant.

KB Home Fagundes Residential

Mitigation Monitoring and Reporting Program

Zone Change and Tentative Tract Map Application No. 201502586
Ray Panek, KB Home Bay Area (Applicant)
Steven Amaral (Owner)

October 14th, 2015

Mitigation 1

Significant environmental Impact:

The project site contains 34 existing trees, 29 of which are proposed to be removed. Of the trees to be removed, 4 were rated in poor condition, 17 were rated in good condition, and 9 were rated in high condition. HortScience, Inc. prepared a tree report dated May 2015, identifying methods for tree preservation and tree replacement to mitigate for the potential impacts. Following these recommendations will reduce impacts to a level of insignificance.

Mitigation Measure:

The applicant shall follow all recommendations in the tree evaluation report including protection of all trees to be preserved during all phases of the development and replacement of all removed trees based on the value of the removed trees:

Design Recommendations

1. The horizontal and vertical elevation of each tree to be preserved shall be accurately located by an engineer survey.
2. Tree Protection Zone (TPZ) shall be established around each tree. No grading, excavation, construction or storage of materials shall occur within that zone. No underground services including utilities, sub-drains, water or sewer shall be placed in the TPZ. Spoil from trench, footing, utility or other excavation shall not be placed within the TPZ, neither temporarily nor permanently. For design purposes, the TPZ shall be the existing curb or drip line of the tree.
3. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.
4. Irrigation systems must be designed so that no trenching that serves roots larger than 1" diameter will occur within the TPZ.
5. Hydrated lime to stabilize plastic soils shall not be incorporated into soil within the TPZ. Lime is toxic to plant roots. Subsoil stabilization treatments must be discussed with the Project Arborist and designed to protect tree roots.
6. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees should be designed to withstand displacement.

Pre-Construction Treatments and Recommendations

1. The construction superintendent shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.
2. Fence all trees to be retained to completely enclose the TPZ prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by the City. Fences are to remain until all grading and construction is completed. Where demolition must occur close to trees, such as removing curb and pavement, install trunk protection devices such as winding silt sock wattling around trunks or stacking hay bales around tree trunks.
3. Any pruning required to provide clearance for construction shall be done by a State of California Licensed Tree Worker in accordance with the Best Management Practices for Pruning (international Society of Arboriculture, 2002) and adhere to the most recent editions of the American Nation Standard for Tree Care Operations (Z133.1) and Pruning (A300). The Consulting Arborist will provide pruning specifications prior to site demolition.
4. Tree(s) to be removed that have branches extending into the canopy of tree(s) to remain shall be removed by a Certified Arborist or Certified Tree Worker and not by the demolition contractor. The Certified Arborist or Certified Tree Worker shall remove the trees in a manner that causes no damage to the tree(s) and understory to remain.

Recommendations for Tree Protection During Construction

1. Any approved grading, construction, demolition or other work within the TPZ should be monitored by the Consulting Arborist.
2. All contractors shall conduct operations in a manner that will prevent damage to trees to be preserved.
3. Tree protection devices are to remain until all site work has been completed within the work area. Fences or other protection devices may not be relocated or removed without permission of the Consulting Arborist.
4. Construction trailers, traffic and storage areas must remain outside TPZ at all times.
5. Any root pruning required for construction purposes shall receive the prior approval of and be supervised by the Project Arborist.
6. If roots 2" and greater in diameter are encountered and during site work must be cut to complete the construction, the Project Arborist must be consulted to evaluate effects on the health and stability of the tree and recommend treatment.
7. All grading within the drip line of trees shall be done using the smallest equipment possible. The equipment shall operate perpendicular to the tree and operate from outside the TPZ. Any modifications must be approved and monitored by the Consulting Arborist.
8. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
9. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TPZ.
10. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: Prior to any project construction and during project construction